

APR 17 2006

NEBRASKA DEPARTMENT
OF INSURANCE

RESPONDENT.

CAUSE NO. A-1660

JURISDICTION

- ### STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled *State of Nebraska Department of Insurance vs. Jerry Stuck*, Cause Number A-1660 on March 31, 2006. A copy of the petition was served upon the Respondent at the Respondent's registered business address with the Department by certified mail, return receipt requested.
2. The petition alleges that Respondent violated *Neb.Rev.Stat.* § 44-4059 (1) (d), which states which states that the Director may impose a fine, suspend or revoke an agent's license if

that person has engaged in "[i]mproperly withholding, misappropriating, or converting any money or property received in the course of doing insurance business" as a result of the following conduct:

- a. On or about November 17, 2003 the Respondent solicited an application for Horse Mortality Insurance from Bret Wall. Mr. Wall submitted premium to JS Livestock Insurance in the amount of \$1850 for this coverage. Respondent failed to remit premium for this coverage until after February 3, 2004, after a cancellation notice had been issued by insurer Great American Insurance Company.
- b. On or about November 12, 2002 the Respondent solicited an application for Horse Mortality Insurance from Carol Canady. Ms. Canady submitted premium to JS Livestock Insurance in the amount of \$1860 for this coverage. Respondent failed to remit premium for this coverage until after February 3, 2004, after a cancellation notice had been issued by insurer Great American Insurance Company.
- c. On or about October 31, 2003 the Respondent solicited an application for Horse Mortality Insurance from Joanne Urban. Ms. Urban submitted premium to JS Livestock Insurance in the amount of \$200 for this coverage. Respondent failed to remit premium for this coverage until after February 3, 2004, after a cancellation notice had been issued by insurer Great American Insurance Company.

3. The petition alleges that Respondent violated Neb.Rev.Stat. § 44-4059 (1) (b) which states that the Director may impose a fine, suspend or revoke an agent's license if that person has engaged in "[v]iolating any insurance law or violating any rule, regulation, subpoena, or order of the director or of another state's insurance commissioner or director". Respondent violated Neb.Rev.Stat. §44-4050 which states "[a] person shall not sell, solicit, or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with the Insurance Producers Licensing Act" as a result of the following conduct:

Respondent solicited business from the following persons on the following dates in the name of JS Livestock Insurance Company although the business entity license had expired on April 30, 2003:

- a. On November 20, 2003 for Dr. Ray and Dana Kenoyer
- b. On July 31, 2003 for Andrew Capnek
- c. On August 23, 2003 for Andrew Capnek
- d. On June 27, 2003 for Christy Poulin
- e. On May 14, 2003 for Jenny Duda LaGrange
- f. On November 29, 2003 for Brenna M. Lacki
- g. On May 29, 2003 for Karen Knight
- h. On December 4, 2003 for Susan Betcher
- i. On November 20, 2003 for Michael Moehrl
- j. On September 18, 2003 for Janet Baer McKinney
- k. On October 20, 2003 for Ron Backer
- l. On September 29, 2003 for Alexie Estrada
- m. On July 11, 2003 for Philip and Leanne Kalbaugh
- n. On July 31, 2003 for O.J. Martens
- o. On July 30, 2003 for Floyd and Cathy Danley
- p. On May 27, 2003 for Lucia Maria and Gill Humphrey
- q. On July 28, 2003 for Michael Goodwin
- r. On September 17, 2003 for Michael Goodwin
- s. On June 11, 2003 for Kurt Heite
- t. On June 18, 2003 for Toney and Todd Harrell
- u. On September 27, 2003 for Toney and Todd Harrell
- v. On June 27, 2003 for John Grint
- w. On June 27, 2003 for Wilburn and Wilma Archer

- x. On October 20, 2003 for Douglas Gilliland
- y. On September 30, 2003 for Raymond and Gayle Hino
- z. On September 18, 2003 for Joan Paustell
- aa. On September 16, 2003 for John and Jana Mueller
- bb. On August 25, 2003 for Gary and Rita Clark
- cc. On August 15, 2003 for Bob Buchanon
- dd. On July 31, 2003 for Amye Lilienthal
- ee. On October 24, 2003 for Steve Cruse
- ff. On October 19, 2003 for Christine Haines
- gg. On October 16, 2003 for George Fisher, Jr.
- hh. On October 10, 2003 for Matt and Chauna McAuliffe
- ii. On November 13, 2003 for Tami McClure
- jj. On October 25, 2003 for Ashley Primm
- kk. On November 13, 2003 for Chester and Wannell Baker
- ll. On December 22, 2003 for Orrie Clemens
- mm. On December 16, 2003 for Cynthia Houghton
- nn. On December 8, 2003 for Janet Gartrell
- oo. On December 3, 2003 for Rick and Norma Childs
- pp. On November 29, 2003 for Wayne and Twila Adair

4. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

5. Respondent admits the allegations contained in the Petition and restated in Paragraphs Two and Three above.

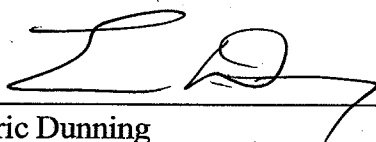
CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of *Neb.Rev.Stat.* §44-4059 (1) (b) and (1)(d).

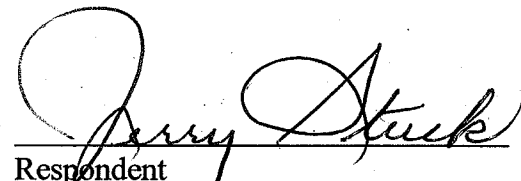
CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent that Respondent's Nebraska insurance agent's license is hereby revoked.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.


Eric Dunning
Attorney for Nebraska
Department of Insurance
941 "O" Street, Suite 400
Lincoln, Nebraska 68508
(402) 471-2201

Date: 4/17/06

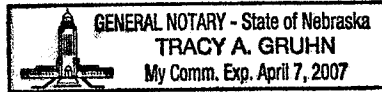

Respondent
Date: 4-17-06

Attorney for Respondent

Date: _____

State of Nebraska)
County of Lancaster) ss.

On this 17th day of April, Jerry Stuck appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Tracy A. Gruhn
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Jerry Stuck, Cause No. A-1660.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. Tim Wagner

L. TIM WAGNER
Director of Insurance

4/17/06
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at 1321 Florida Avenue, York, Nebraska 68467 by certified mail, return receipt requested on this 18th day of April 2006.

Tracy A. Gruhn